

**MCKOOL SMITH**  
**A PROFESSIONAL CORPORATION • ATTORNEYS**  
**DALLAS, TEXAS**

Steven J. Pollinger  
 Texas State Bar No. 24011919  
 spollinger@mckoolsmith.com  
 Geoffrey L. Smith  
 Texas State Bar No. 24041939  
 gsmith@mckoolsmith.com  
 MCKOOL SMITH, P.C.  
 300 West Sixth Street, Suite 1700  
 Austin, Texas 78701  
 Telephone: (512) 692-8702  
 Telecopier: (512) 692-8744

Martin C. Robson  
 Texas State Bar No. 24004892  
 MCKOOL SMITH, P.C.  
 300 Crescent Court, Suite 1500  
 Dallas, Texas 75201  
 Telephone: (214) 978-4000  
 Telecopier: (214) 978-4044  
 mrobson@mckoolsmith.com

Attorneys for Plaintiff Visto Corporation  
 (Additional counsel listed on signature pages)

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

VISTO CORPORATION,  
 Plaintiff and Counterclaim-Defendant,  
 v.  
 RESEARCH IN MOTION LIMITED, and  
 RESEARCH IN MOTION CORPORATION  
 Defendants and Counterclaim-Plaintiffs.

Case No. CV-08-0031-MS  
 Court of Original Jurisdiction:  
 Civil Action No. 2-06-CV-181-TJW(CE)  
 United States District Court For The Eastern  
 District of Texas - Marshall Division

**STIPULATION OF COUNSEL RE: USE  
 AND DISCLOSURE OF DOCUMENTS  
 SUBMITTED UNDER SEAL BY VISTO  
 CORPORATION**

Date: April 23, 2008  
 Time: 9:30 a.m.  
 Judge: Magistrate Judge Larson

1 Plaintiff Visto Corporation ("Visto Corporation") and Google Inc. ("Google"), by and  
2 through their respective counsel of record, hereby stipulate and agree as follows:

3 1. Google agrees to abide by the terms of the Agreed Protective Order entered by the  
4 U.S. District Court for the Eastern District of Texas on April 2, 2007 in the original action, *Visto*  
5 *Corporation. v. Research in Motion Limited and Research in Motion Corporation*, Case No. 2-  
6 06-CV-181-TJW (CE). This agreement pertains only to Google's and its outside counsel's  
7 receipt of the materials identified below in paragraphs 2 and 3, and is not an agreement that  
8 Google agrees for any other purpose to be bound by the Agreed Protective Order. Specifically,  
9 while Visto contends the Agreed Protective Order would apply to any information that Google  
10 may eventually produce in response to Visto's subpoena, Google does not agree by this  
11 Stipulation that the Agreed Protective Order would be applicable to such information. A true  
12 and correct copy of the Agreed Protective Order is attached to the accompanying Declaration of  
13 Martin C. Robson and designated Exhibit 1."

14 2. The Agreed Protective Order governs the manner in which Google may use and  
15 disclose the protected information found in the below documents, which Visto Corporation  
16 submitted under seal pursuant to the Agreed Protective Order and pursuant to Local Rule 79-5:

- 17 a. Visto Corporation's Opposition to Google's Motion to Quash Subpoena, or in  
18 the Alternative, For Protective Order, and Visto Corporation's Cross-Motion  
19 to Compel Google to Comply with Third-Party Subpoena;  
20 b. Declaration of Martin C. Robson in Support of Visto Corporation's  
21 Opposition to Google's Motion to Quash Subpoena, or in the Alternative, For  
22 Protective Order, and Visto Corporation's Cross-Motion to Compel Google to  
23 Comply with Third-Party Subpoena, including accompanying exhibits.

24 3. To the extent the above documents contain information designated as  
25 "Confidential – Attorney's Eyes Only" or "Confidential – Attorney's Eyes Only – Computer  
26 Source Code," Google agrees to comply with sections 5.2 and 5.3 of the Agreed Protective Order  
27  
28

by restricting the use and disclosure of such information only to its outside counsel as defined in the Protective Order. In particular, Exhibits B, H, I, J and K contain RIM Confidential - Attorney's Eyes Only information, and should be treated in accordance with section 5.2 of the Agreed Protective Order.

4. Upon receiving Google's executed Written Acknowledgement to Abide by the Terms of the Protective Order (Attachment A to the Agreed Protective Order), Visto Corporation shall serve on Google the unredacted versions of the two documents set forth above.

Dated: April 3, 2008.

/s/ Charles M. Kagay

---

Charles M. Kagay  
 California State Bar No. 73377  
 SPIEGEL LIAO & KAGAY, LLP  
 388 Market Street, Suite 900  
 San Francisco, California 94111  
 Telephone: (415) 956-5959  
 Telecopier: (415) 362-1431  
 cmk@slksf.com

Steven J. Pollinger  
 Texas State Bar No. 24011919  
 spollinger@mckoolsmith.com  
 Geoffrey L. Smith  
 Texas State Bar No. 24041939  
 gsmith@mckoolsmith.com  
 MCKOOL SMITH, P.C.  
 300 West Sixth Street, Suite 1700  
 Austin, Texas 78701  
 Telephone: (512) 692-8702  
 Telecopier: (512) 692-8744

1 Martin C. Robson  
2 Texas State Bar No. 24004892  
3 mrobson@mckoolsmith.com  
4 McKool Smith, P.C.  
5 300 Crescent Court, Suite 1500  
6 Dallas, Texas 75201  
7 Telephone: (214) 978-4000  
8 Telecopier: (214) 978-4044

9 **ATTORNEYS FOR PLAINTIFF**  
10 **VISTO CORPORATION**

11 /s/ Khari J. Tillery

12 \_\_\_\_\_  
13 Michael H. Page  
14 Khari J. Tillery  
15 KEKER & VAN NEST, LLP  
16 710 Sansome Street  
17 San Francisco, CA 94111  
18 mpage@kvn.com  
19 ktillery@kvn.com  
20 415.391.5400 (phone)  
21 415.397.7188 (fax)

22 **ATTORNEYS FOR GOOGLE, INC.**

23 SPIEGEL LIAO & KAGAY, LLP

24 I, Charles M. Kagay, attest that concurrence  
25 in the filing of the document has been  
26 obtained from each of the other signatories.

27 /s/ Charles M. Kagay  
28 \_\_\_\_\_  
Charles M. Kagay

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: April 8, 2008

  
\_\_\_\_\_  
United States Magistrate Judge